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COMMITTEE ON THE RIGHTS OF THE CHILD

Eleventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Iceland

1. The Committee considered the initial report of Iceland (CRC/C/11/Add.6 and HRI/CORE/1/Add.26) at its 272nd, 273rd and 274th meetings (CRC/C/SR.272, 273 and 274), held on 16 and 17 January 1996, and adopted* the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for its comprehensive report, established in accordance with the Committee's guidelines. It welcomes the self-critical approach taken by the Government of Iceland in preparing its report. The Committee also welcomes the written answers to the Committee's list of issues (CRC/C.11/WP.8), which were submitted on time.

3. The presence of a high-level delegation enabled the Committee to engage in a constructive dialogue with those directly involved in the implementation of the Convention.

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* At the 287th meeting, held on 26 January 1996.

B. Positive factors

4. The Committee welcomes the statement made by the delegation that the declarations made by Iceland upon the ratification of the Convention on its articles 9, paragraph 1, and 37 (c), may be reviewed, with a view to their eventual withdrawal.

5. The Committee notes with appreciation the strengthening of the protection of human rights in general and of children's rights in particular in the Constitution; it particularly welcomes the inclusion in the Constitution of a provision directly based on article 3, paragraph 2, of the Convention. It also notes that important international instruments, such as the Hague Convention on the Civil Aspects of International Child Abduction and the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children, have recently been ratified by Iceland. The commitment of the authorities to ratify in the near future ILO Convention 138 on the Minimum Age for Employment is also noted with satisfaction.

6. The Committee welcomes the establishment of the Office of Children's Ombudsman and its role of disseminating among the public information on the rights of the child and of encouraging compliance with the international instruments ratified by Iceland concerning those rights, among them the Convention.

7. The Committee also welcomes the establishment of the Government Agency for Child Protection in March 1995. Its functions, as a centralized authority providing the Child Welfare Committees with improved support, preparing training programmes for members of the Child Welfare Committees, or informing foster-parents and preparing them to assume their tasks, are of great importance for a better implementation of the rights enshrined in the Convention.

8. The Committee acknowledges the efforts undertaken by the authorities to find creative ways to ensure the effective dissemination of the Convention, such as the establishment of an interministerial working group to decide on the form the publicity campaigns on the Convention should take. It also acknowledges the commitment of the authorities to strengthening their relationships and cooperation with non-governmental organizations working in the field of the protection and promotion of children's rights.

9. With regard to the high number of domestic or other accidents whose victims are children in Iceland, the Committee welcomes the establishment of the Accident Prevention Council in 1994.

10. The Committee welcomes the initiative of the Ministry of Education to appoint an interministerial committee to formulate overall policy with regard to immigrants and to coordinate the authorities' activities in relation to immigrant issues. The establishment, under the auspices of the Ministry of Education, since the autumn 1993 of a special programme, for the benefit of teachers at all levels (from nursery schools to secondary schools and adult education), on education for immigrants is also welcomed by the Committee.

11. The recent developments in the area of refugee matters are considered by the Committee to be promising; the establishment of a Refugee Council to organize the acceptance and arrival of refugees in Iceland, with special attention being given to child refugees, and to deal with asylum seekers whose requests are pending before the authorities is viewed as a very positive measure. Likewise, the Committee welcomes the legal change abolishing the requirement that a person seeking Icelandic citizenship has to add an Icelandic name to his or her original name.

12. With regard to article 7, paragraph 2, of the Convention, the Committee takes note with satisfaction of the intention expressed by the delegation that a government proposal dealing expressly with the status of stateless children will be presented to the Althing in due time.

C. Principal subjects of concern

13. The Committee wishes to emphasize that the Convention provides for the protection and care of children, and in particular for the recognition of the child as the subject of his or her own rights. In this connection, the Committee notes that this essential aspect of the Convention is not yet fully reflected in Icelandic law.

14. While the Committee notes that the Convention is not an integral part of the national legislation, it is concerned that gaps might exist in regard to the reflection of the Convention in national laws and regulations.

15. The Committee stresses the importance of the coordination of sectoral policies of the different governmental agencies and departments dealing with child issues. In view of the large autonomy of the local authorities in the field, among others, of child protection and welfare, the Committee also notes with concern the absence of a mechanism to coordinate the decisions taken and the activities undertaken in this field between the central and local authorities and between the local authorities themselves.

16. The Committee is particularly preoccupied about the disparities of the budget allocations in the field of child protection and welfare between different administrative regions, which may lead to discrimination between children living in different areas, for example in the field of education and after school-time care.

17. While noting the steps taken to disseminate the text of the Convention among students at all school levels, the Committee notes that the inclusion of human rights in general, and of children's rights in particular, as a subject in schools and universities is still pending.

18. The lack of comprehensive and systematic training programmes for professionals working for and with children, such as teachers or social workers, or who are in contact with children, such as policemen, lawyers, magistrates or doctors, on children's rights and on the exercise of their rights, is also a matter of concern to the Committee.

19. The Committee notes that the best interest of the child to spend time in his/her family environment may be infringed by the long working hours of

parents and that sufficient measures have not been taken to prevent children from being alone at home during their parents' working hours. In this connection, the insufficient availability of places in nursery schools is of concern.

D. Suggestions and recommendations

20. The Committee wishes to encourage the State party to consider the possibility of withdrawing its declarations on the Convention, and would like to be kept informed of developments on this matter.

21. The Committee recommends that steps be taken to have all the substantive provisions of the Convention reflected in national laws or regulations, so that the full protection of the rights enshrined in the Convention is ensured.

22. The Committee recommends that the State party establish a mechanism to enhance the coordination of governmental policies as well as those of central and local authorities in the field of children's rights, with a view to eliminating possible disparities or discrimination in the implementation of the Convention and ensuring that the Convention is fully respected in all parts of Iceland.

23. The Committee encourages the State party to pursue and further develop its policy aimed at disseminating information and at increasing awareness of the Convention. It also urges the authorities to integrate the Convention and children's rights into the training curricula of professional groups dealing with children and in the school and university curricula.

24. The Committee recommends that the budgetary allocations be ensured to the maximum extent of available resources in the light of article 4 of the Convention. In this connection, due attention should also be paid to articles 2 and 3 of the Convention, with a view to avoiding the risk of disparities in services for children in different parts of the country. The Committee also recommends that the State party consider strengthening international cooperation and assistance, with a view to enhancing the promotion and protection of the rights of the child.

25. The Committee suggests that appropriate measures be taken to counter the inequalities between men and women with regard to remuneration, since it may be detrimental to the child, in particular in homes headed by a single woman.

26. The Committee recommends a further review of the procedures with regard to custody or to the separation of the child from his or her parents, in order to ensure that the best interests of the child are always a primary consideration.

27. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the report be made widely available to the public in Iceland and that publicity be given to its consideration by the Committee through the publication of the relevant summary records of the discussion and of the concluding observations of the Committee.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Republic of Korea

1. The Committee considered the initial report of the Republic of Korea (CRC/C/8/Add.21) at its 266th, 267th and 268th meetings (CRC/C/SR.266-268), held on 18 and 19 January 1996, and adopted* the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for engaging, through a high-level and multidisciplinary delegation, in an open and fruitful dialogue with the Committee. It welcomes the written information submitted by the delegation in reply to the questions included in the list of issues, as well as the additional information provided by the State party following the dialogue held with the Committee.

B. Positive aspects

3. The Committee notes with satisfaction that the Convention is directly applicable in the domestic legal order and can be invoked before the courts.

4. The Committee welcomes the development of a national plan of action for children and its incorporation in the Seventh Five-Year Social-Economic Development Plan for 1992-1996, as well as the recent establishment of the National Committee on the Rights of the Child.

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* At the 287th meeting, held on 26 January 1996.

5. The Committee notes with satisfaction the importance attached by the Government to education, considered as the "driving force of social and economic development".

6. The Committee also welcomes the openness, reflected in the written replies and reaffirmed by the delegation during the dialogue, towards considering the possibility of withdrawing the reservations entered by the State party to the Convention. The Committee is encouraged by the revision of the Civil Code that is being undertaken with the aim of incorporating the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis. It is also encouraged by the fact that, as stated by the delegation, such a measure will enable the State party to withdraw its reservation pertaining to article 9, paragraph 3 of the Convention.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes the difficulties facing the Republic of Korea in the present period of political and economic transition. The efforts to secure rapid economic growth have not always been matched by an appropriate level of realization of economic, social and cultural rights, in particular in relation to children belonging to the most disadvantaged groups affected by growing poverty. The fact that the country has only recently emerged from a period of military rule has had a negative impact on the enjoyment of the fundamental rights and freedoms of children.

D. Principal subjects of concern

8. The Committee is of the view that the reservations made by the State party to article 9, paragraph 3, article 21, paragraph (a) and article 40, paragraph 2 (b) (v) raise questions about their compatibility with the principles and provisions of the Convention, including the principles of the best interests of the child and respect for the views of the child.

9. The Committee is concerned at the insufficient measures adopted to ensure a permanent and effective coordinating and monitoring mechanism. The Committee also notes the insufficient measures taken to gather reliable quantitative and qualitative data on all areas covered by the Convention, to evaluate progress achieved and to assess the impact of policies adopted on children, in particular in relation to the most vulnerable groups of children.

10. The Committee is concerned about the insufficient measures taken to ensure that the principles and provisions of the Convention are widely known to children and adults. The lack of adequate training on the contents of the Convention of the various professional groups working with and for children, including teachers, social workers, judges, law enforcement officials, psychologists and health personnel, is also noted with regret.

11. As regards the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. Insufficient attention has been

paid in this regard to the areas of the social and human development of children and to the needs of the most vulnerable groups of children.

12. The Committee is also concerned that the basic principles of the Convention, in particular the provisions of its articles 2, 3 and 12, have not been adequately reflected in legislation, policies and programmes. Insufficient measures have been adopted to create awareness of these basic values of the Convention with a view to changing the prevailing consideration and treatment of the child simply "as a mini-adult or immature adult", as recognized in the report. The Committee notes with concern the persistent discriminatory attitudes affecting girls - including in relation to the minimum age for marriage - disabled children and children born out of wedlock.

13. The Committee notes with concern the insufficient assistance provided for families to assume their responsibilities in the protection of children's rights.

14. The Committee expresses its concern at the insufficient measures adopted, including of a legal nature, to ensure effective implementation of the civil rights and fundamental freedoms of children, such as in relation to the right to a nationality, freedom of expression, thought, conscience and religion, as well as to freedom of association and peaceful assembly. The threats to national security invoked by the Government have hampered the enjoyment of such fundamental freedoms.

15. The Committee is of the view that the approach of the State party in the field of adoption and the prevailing system of dissolution of adoption, raises questions as to its compatibility with the Convention, including in relation to the principle of the best interests of the child as the paramount consideration, as well as to the legal safeguards established by article 21. In this regard, the Committee is particularly concerned at the insufficient measures taken to ensure that adoption is authorized by the competent authorities, on the basis of all pertinent and reliable information and of the informed consent of all persons concerned, including the child. The high rate of inter-country adoption is also of concern to the Committee. With regard to child abuse and domestic violence, the Committee is concerned at the lack of preventive policies and of adequate reporting mechanisms. Abandonment of children, the high rate of child headed families and the persistence of corporal punishment, widely envisaged by parents and teachers as an educational measure, are other subjects of concern to the Committee.

16. The Committee is concerned at the insufficient consideration given in the education system to the aims of education as reflected in article 29 of the Convention. The highly competitive nature of the education system risks hampering the development of the child to the fullest potential of his or her abilities and talents and the child's preparation for responsible life in a free society.

17. Concern is also expressed at the insufficient measures adopted, including in the field of legal reform, to prevent situations of child labour. In this regard, the discrepancy between the age for completion of compulsory education and the minimum age for admission to employment is noted with particular concern.

18. The Committee is also concerned about the existing juvenile justice system and its lack of compatibility with the Convention, including articles 37, 39 and 40.

E. Suggestions and recommendations

19. The Committee encourages the Government to continue to consider reviewing its reservations to article 9, paragraph 3, article 21, paragraph (a) and article 40, paragraph (b) (v), with a view to withdrawing them.

20. The Committee recommends that the Government strengthen its efforts aimed at promoting advocacy and creating awareness and understanding of the principles and provisions of the Convention in the light of its article 42. The Committee suggests that the Government develop public campaigns with a view to addressing effectively the problem of persisting discriminatory attitudes, in particular towards girls, disabled children and children born out of wedlock, and that it adopts pro-active measures to improve the status and protection of these groups of children.

21. The Committee also encourages the State party to ensure training activities on the Convention to professional groups working with and for children, including teachers, social workers, judges, law enforcement officers, health personnel and officials entrusted with the task of ensuring data collection in the areas covered by the Convention. In the spirit of the United Nations Decade for Human Rights Education, the Committee further encourages the Government to give consideration to the incorporation of the rights of the child in the school curricula.

22. The Committee encourages the Government to pursue its efforts in order to ensure full compliance of its national legislation with the provisions and principles of the Convention, including non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12). The Committee particularly recommends that legislative measures be adopted with a view to ensuring an equal minimum age for marriage for girls and boys, in the light of article 2; ensuring the basic rights of all disabled children, in particular the right to education, in the light of article 23; abolishing any discrimination towards children born out of wedlock; preventing any risk of statelessness for a child born to a Korean mother; clearly prohibiting any form of corporal punishment; and raising the minimum age for employment with a view to adjusting it to the age of compulsory education. In the field of national and inter-country adoption, the Committee encourages the State party to undertake comprehensive legal reform to ensure full compatibility with the principles and provisions of the Convention, as well as to consider ratifying the 1993 Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption.

23. The Committee recommends that a permanent and multidisciplinary mechanism be developed for coordination and monitoring of the implementation of the Convention, both at the national and local levels, in urban and rural areas. The Committee encourages the State party to give further consideration to the establishment of an ombudsperson for children or any equivalent independent complaint and monitoring mechanism. The Committee further encourages the promotion of a closer cooperation with non-governmental organizations.

24. The Committee also recommends that the system of data collection be improved and appropriate disaggregated indicators identified with a view to addressing all areas covered by the Convention and evaluating progress achieved, with due regard being paid to the situation of children belonging to the most disadvantaged groups.

25. The Committee strongly recommends that the Government of the Republic of Korea pay particular attention to the full implementation of article 4 of the Convention and undertake all appropriate measures to the maximum extent of available resources for the implementation of the economic, social and cultural rights of children. Special attention should be paid to the situation of the most disadvantaged groups of children in the light of the principles of non-discrimination and the best interests of the child.

26. The Committee considers that greater efforts should be made to promote the participation of children in family, school and social life, as well as the effective enjoyment of their fundamental freedoms, including the freedom of opinion, expression and association, which should be subject only to the restrictions provided by the law and which are necessary in a democratic society.

27. The Committee encourages the State party to adopt further measures to ensure assistance for the family to ensure its responsibilities in the upbringing and development of the child, in particular in the light of articles 18 and 27 of the Convention. Special attention should be paid to the prevention of child abandonment, as well as to the prevention of, and appropriate assistance to, child-headed families.

28. In the area of child abuse and domestic violence, the Committee recommends that the State adopt further measures to prevent such situations, and to protect and ensure appropriate physical recovery and social reintegration of children affected thereby. Consideration should be given to the establishment of a system of early detection, surveillance and referral.

29. The Committee encourages the State party to review its education policy, with a view to reflecting fully the aims of education set out in article 29 of the Convention.

30. In the area of child labour, the Committee encourages the State party to adopt appropriate measures with a view to reflecting fully the Convention, in particular article 32, in its legislation and practice. It recommends that consideration be given to the ratification of ILO Convention No. 138 on minimum age for admission to employment and encourages the State party to consider pursuing such action in consultation with ILO.

31. The Committee recommends that the State party envisage undertaking a comprehensive reform of the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to the consideration of deprivation of liberty only as a measure of last resort and for the shortest period of time, to the protection of the rights of children deprived of

liberty, to due process of law and to the full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all those professionals involved with the system of juvenile justice. The Committee would like to suggest that the Government of the Republic of Korea consider seeking international assistance in this area of the administration of juvenile justice, from the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch.

32. The Committee recommends that the report submitted by the State party, the summary records of its consideration and the concluding observations of the Committee be disseminated as widely as possible within the country.

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UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Croatia

1. The Committee considered the initial report of Croatia (CRC/C/8/Add.19) at its 279th, 280th and 281st meetings (CRC/C/SR.279-281), held on 23 and 24 January 1996, and adopted* the following concluding observations.

A. Introduction

2. The Committee notes with appreciation that the difficult circumstances resulting from the war have not undermined the State's commitment to the protection and promotion of children's rights, as evidenced by the State's accession to the Convention immediately following independence, the timely submission of the initial report due under the Convention and the frank and detailed answers provided, both in written and oral form, for the consideration of the report by the Committee. The Committee requests a progress report before the end of 1997.

B. Positive aspects

3. The Committee welcomes the statement by the delegation that the Government intends to withdraw its reservation to article 9 of the Convention.

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* At the 287th meeting, held on 26 January 1996.

4. The Committee takes note with satisfaction of the efforts to bring domestic law and practice into line with the principles and provisions of the Convention, including the enactment of legislation on the family and on the protection of children against all types of abuse.

5. The Committee welcomes the provisions contained in the new Constitution which accord to international human rights instruments ratified by the State a legal status superior to that of domestic legislation. It notes with appreciation the establishment of the special parliamentary Committee for Human Rights and the Rights of Ethnic and National Communities or Minorities, which monitors the application of international instruments and the relevant provisions of constitutional law dealing with human rights.

6. The Committee welcomes the willingness of the Government, in the framework of article 4 of the Convention, to ensure cooperation with United Nations and other competent bodies, including the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and the International Committee of the Red Cross in the fields of human rights and humanitarian assistance.

7. The Committee also welcomes the efforts pursued by the Government, in cooperation with non-governmental organizations, with a view to raising public awareness on the rights of the child. In this connection, the Committee welcomes the European Youth Campaign being undertaken under the auspices of the Council of Europe to combat racism, xenophobia, anti-Semitism and intolerance.

8. The Committee further welcomes the progress made in modifying the Law on Citizenship so as to eliminate risks of discrimination.

9. The Committee welcomes the intentions expressed by the Government to prosecute people who committed crimes against the civilian population, including children, during and after "Operation Storm" in August 1995 in the Krajina area and to provide safe conditions for returnees.

C. Factors and difficulties affecting the implementation of the Convention

10. The Committee recognizes the serious difficulties faced by the State party in implementing the provisions of the Convention. It notes that the State party's transition to a market-oriented economy has had a serious impact on the population, in particular on all vulnerable groups, including children.

11. The Committee also notes the major problems experienced as a consequence of war, which has borne a severe impact on the population, including children, leading to heavy casualties, long-lasting physical, emotional and psychological effects, as well as the disruption of some basic services. It takes special note of an unknown number of children who have suffered the most fundamental violations of their right to life, and the existence of a large population of refugees and displaced persons, exceeding a half million, who are being attended to by international aid.

D. Principal subjects of concern

12. The Committee, while welcoming the existence of government bodies and the creation of new ones competent to deal with the welfare of children at the national and local levels, expresses concern that effective coordination must be established among them in order to develop a comprehensive approach to the implementation of the Convention.

13. The Committee is concerned at the absence of an integrated and systematic monitoring mechanism covering all areas covered by the Convention, and in relation to all groups of children, especially those affected by the consequences of the war and the economic transition.

14. The Committee is concerned about the impact on children of economic difficulties resulting from the transition to a market economy. It is particularly worried about the consequences the of privatization of some social services that might affect the most vulnerable groups of children. In this connection, it is particularly concerned as to whether appropriate measures have been taken to protect children in the light of article 4 of the Convention.

15. The Committee expresses concern about the Law on Temporary Possession, according to which property may be occupied by temporary settlers in the absence of the property owners. The Committee is concerned that families affected by this law will face problems if they should return before the present occupiers have found alternative shelter.

16. The Committee is concerned that a number of unaccompanied children who have lost contact with their families are in institutions or in foster care. The Committee further notes with concern that some foster homes might accept responsibility for the care of children solely for the economic compensation provided to them. It stresses that the consequences for the children living under such conditions are not conducive to their sound development.

17. The Committee expresses concern that children might be removed from their families because of their health status or the difficult economic situation faced by their parents.

18. The Committee notes with deep concern the apparent disregard for judicial decisions. It notes that allegations continue to be made about incidents in which members of minority groups, particularly of Serbian and Muslim origin, are harassed and the perpetrators left unpunished. The Committee draws attention to the adverse consequences for society as a whole and for the generation of children who witness this phenomenon of impunity.

E. Suggestions and recommendations

19. The Committee recommends that the Government devote its full efforts to actively encouraging a culture of tolerance through all possible channels, including the schools, the media and the law. The schools should teach children to be tolerant and to live in harmony with persons from different backgrounds.

20. The Committee also recommends, in the interests of healing and trust-building within the country and in the spirit of article 17 of the Convention, that the State-controlled mass media should play an active role in the efforts to secure tolerance and understanding between different ethnic groups, and that the broadcasting of programmes which would run counter to this objective come to an end.

21. The Committee recommends that the State party should take further steps, such as the establishment of a permanent structure to improve policy formulation and adopt measures for the promotion and protection of children's rights.

22. The Committee recommends that consideration be given to the establishment of a special independent monitoring structure, whether under the existing Office of the Ombudsman or as a separate body, and to that end recommends that a study be undertaken as soon as possible reviewing the experiences of other nations so that the most appropriate decision may be reached.

23. The Committee recommends that public information activities and other appropriate action be undertaken to make better known the principles and provisions of the Convention on the Rights of the Child and other relevant international human rights instruments, including through their incorporation in school curricula, with a view to enhancing democratic institutions, achieving national reconciliation, encouraging the protection of the rights of children belonging to minority groups and eliminating the atmosphere of impunity among those that harass these groups.

24. In keeping with efforts to promote the process of national reconciliation and national dialogue, the Committee recommends that training programmes be organized for members of the army, police and judiciary on the provisions of the Convention.

25. The Committee recommends that the system of foster care be carefully monitored in order to eliminate any possible acts of abuse against the children placed in such care.

26. The Committee recommends that in the light of the best interests of the child and, when necessary, in the framework of international cooperation, the Government make special efforts to resolve the problem of property owners returning to their homes before their occupiers have been able to find alternative shelter.

27. The Committee recommends that a progress report be submitted by the end of 1997 for its consideration. It requests that the State include in that report information about subsequent developments in the areas of legal and judicial reform, of decisions to improve coordination of policies relating to children and of the monitoring of the implementation of the Convention. The progress should also cover the concerns expressed by the Committee.

28. The Committee recommends that the report of the State party, the records of the dialogue held between itself and the State delegation and the concluding observations adopted by the Committee be widely disseminated throughout the nation in all minority languages as well as in Croatian. It recommends that a national debate be encouraged about the State party's compliance with the Convention within and among the Government, international organizations and national non-governmental organizations and also among the public.

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Concluding observations of the Committee on the Rights of the Child: Finland

1. The Committee considered the initial report of Finland (CRC/C/8/Add.22) at its 282nd to 284th meetings (CRC/C/SR.282-284), held on 23 and 24 January 1996, and adopted* the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation to the Government of Finland for the submission of its initial report, which has been prepared in conformity with the Committee's guidelines, and for the submission by the State party of written replies to its list of issues (CRC/C.11/WP.6). It notes with satisfaction that the supplementary information provided by the delegation and its involvement in matters related to the Convention made it possible to engage in a frank and constructive dialogue with the State party.

B. Positive aspects

3. The Committee takes note with satisfaction that the Government provides a comprehensive social security system and a wide range of welfare services for the benefit of children and their parents, particularly free health care, free education, extended pregnancy leave rights and a large day-care system.

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* At the 287th meeting, held on 26 January 1996.

4. The Committee welcomes the State party's submission to its Parliament of a national child policy report with the aim of protecting the rights of children living under the jurisdiction of the State party fully implementing the provisions of the Convention and by reducing to the maximum extent the impact on children of the current economic recession.

5. The Committee notes the efforts by the Government in the field of law reform. It welcomes the amendment of the Constitution of Finland in 1995, which has since included human rights and children's rights fundamental principles. It welcomes the current discussions in Parliament concerning the future appointment of a children's rights ombudsperson. It also takes note of the current efforts to reform the Finnish Penal Code. Finally, it welcomes the recent government study on the impact of environmental issues on the life of children and the related measures undertaken.

6. The Committee also welcomes the Government's submission for ratification to the Finnish Parliament of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

7. The Committee notes the long-standing efforts made by the State party in the field of international cooperation, although the Government, owing to the economic recession, has since 1990 temporarily reduced its budget allocation to development aid.

8. Finally, the Committee takes note of the State party's wish to circulate in the Parliament the summary records of the dialogue with the Committee members and the concluding observations of the Committee.

C. Factors and difficulties impending the implementation of the Convention

9. The Committee notes the difficulties facing Finland in the present period of structural change and economic recession. Decentralization and privatization policies, severe unemployment and State budgetary cuts have undoubtedly affected Finnish children, particularly the most vulnerable groups.

D. Principal subjects of concern

10. The Committee is worried about the impact on children of the difficult economic situation prevailing in the country, which resulting in budgetary cuts, and the existing trends towards decentralization and privatization. In this connection, it is particularly concerned as to whether appropriate measures have been undertaken to protect children, particularly those belonging to the most vulnerable groups, in the light of articles 3 and 4 of the Convention.

11. The Committee is concerned at the insufficient attention paid to the need for an efficient coordination mechanism, between various ministries, as well as between central authorities and local authorities (municipalities), in the implementation of comprehensive policies for the promotion and protection of the rights of the child.

12. The Committee is concerned at the absence of an integrated monitoring mechanism capable, inter alia, of supervising the effectiveness of decentralized and sometimes privatized social (health, education and social care) municipal policies and services for the most vulnerable groups of society, particularly single parent and poor families and disabled, refugee and minority children.

13. The Committee expresses its concern that the State party has not yet fully taken into account in its legislation and in its policies the general principles of the Convention, in particular non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12).

14. The Committee is concerned about the absence of a global information and dissemination strategy for the Convention on the Rights of the Child in the country. It is also worried that the Convention does not yet exist in all languages spoken by minorities residing in the State party.

15. In the light of articles 2 and 3 of the Convention, the Committee is worried about the increasing negative attitude in the society towards foreigners.

16. The Committee is worried by the State party's current shortage of facilities for the psychiatric treatment of children. This shortage may result in the non-separation of children from adults in psychiatric establishments. It is also concerned by the high rates of suicide and the increasing rates of drug abuse among youth.

17. The Committee is concerned about the need to improve the training of social workers through retraining programmes, in particular in relation to the full implementation of the participatory rights of the child, in the light of articles 3 and 12 of the Convention. It is also worried by the insufficient detection and prevention measures in the areas of sexual abuse and domestic violence.

18. The Committee is concerned by the recent increase of school drop-outs. In the light of article 30 of the Convention, it is also worried about the insufficient number of teachers capable of working with minority children.

19. The Committee is deeply concerned that appropriate, in particular legislative, measures have not yet been taken to forbid the possession of child pornography and the purchasing of sexual services from child prostitutes. It is also seriously concerned at the existence of sex telephone services accessible by children.

20. The Committee is concerned that the labour legislation does not appropriately protect children between the ages of 15 and 18 years.

E. Suggestions and recommendations

21. With respect to article 4 of the Convention, and in relation to the current difficult economic situation, the Committee emphasizes the importance of the allocation of resources to the maximum extent possible for the

implementation of economic, social and cultural rights of the child at both central and local levels, in the light of the principles of the Convention, in particular those of its articles 2 and 3 relating to non-discrimination and the best interests of the child.

22. The Committee recommends that the State party take further steps to strengthen the coordination between the different governmental mechanisms involved in human rights and children's rights, at both central and local levels, and to consider the establishment of a coordinating body or mechanism to harmonize sectoral activities and policies. It also recommends the State party to strengthen its cooperation with non-governmental organizations, including in relation to the implementation of the Committee's recommendations.

23. The Committee recommends that an integrated monitoring system or mechanism be established to ensure that all children in all municipalities benefit to the same extent from basic social services. The establishment of an independent monitoring mechanism, such as, for instance, an ombudsperson for children, is also recommended.

24. The Committee is of the opinion that greater efforts are required to make the provisions and principles of the Convention widely known and understood by adults and children alike, in the light of article 42 of the Convention. The Committee recommends that the Convention be translated into all languages spoken by minorities living in the State party. The Committee wishes to encourage the State party to develop further a systematic approach towards increasing public awareness of participatory rights of children, in the light of article 12 of the Convention.

25. To reduce the current increase in negative feeling and racism towards foreigners, the Committee recommends that the State party take all necessary measures, including information campaigns in schools and in society at large. Upon arrival in Finland, all unaccompanied children seeking refugee status should be promptly informed in their language of their rights.

26. The Committee recommends that periodic training and retraining programmes on the rights of the child be organized for professional groups working with or for children, especially social workers, but also teachers, law enforcement officials and judges, and that human rights and children's rights be included in their training curricula. It also recommends that in the areas of sexual abuse and domestic violence more systematic attention be given to detection measures and preventive policies.

27. The Committee recommends the State party take all appropriate measures to prevent mentally-ill children being institutionalized in the same facilities as adults. It also suggests that additional research be undertaken in the areas of suicide and drug abuse to improve the understanding of those phenomena and generate appropriate measures to deal efficiently with them.

28. The Committee encourages the State party to take all necessary measures to fight school drop-out and encourages the relevant authorities to undertake all appropriate measures to ensure that sufficient teachers for minority children are available in all regions of the country. In the spirit of the

United Nations Decade for Human Rights Education, the Committee also encourages the Government to give consideration to the incorporation of the rights of the child in the school curricula.

29. In the process of reforming the Penal Code, the Committee strongly recommends that the possession of child pornography materials and the purchase of sexual services from child prostitutes be made illegal. It also recommends that the State party take all appropriate measures to protect children from accessing sex telephone services and from the risk of being sexually exploited by paedophiles through these telephone services that can be accessed by anyone. Finally, the Committee recommends that measures be taken fully to protect professionals who report evidence of sexual abuse to the relevant authorities.

30. The Committee encourages the State party to revise its labour legislation for children between the ages of 15 and 18 years in the light of the relevant international standards, especially ILO Convention No. 138 and ILO Recommendation No. 146.

31. The Committee encourages the State party to disseminate widely the State party report, the summary records of the discussion of the report in the Committee and the concluding observations adopted by the Committee following its consideration of the report. The Committee would like to suggest that these documents be brought to the attention of Parliament and that the suggestions and recommendations for action contained therein be followed up in close cooperation with the non-governmental society.